

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

| | | |
|---|---|---------------------------------|
| Wilmington Savings Fund Society, |] | |
| FSB, d/b/a Christiana Trust, not |] | |
| Individually but as trustee for Pretium |] | |
| Mortgage Acquisition Trust |] | |
| |] | |
| Plaintiff |] | |
| |] | Civil Action: 2:19-cv-00329-LEW |
| v. |] | |
| |] | |
| Duane C. Waterman, |] | |
| |] | |
| Defendant |] | |
| |] | |
| Citibank, N.A. |] | |
| |] | |
| Party-In-Interest |] | |

JUDGMENT OF FORECLOSURE AND SALE

Address: 1635 Federal Road, Livermore, ME
Mortgage: May 26, 2009, Book: 7715, Page: 312

(PROPERTY IS VACANT)

This matter came before the Court pursuant to the Defaults entered on November 18, 2019 and September 14, 2020 against the named Defendant and Party-in-Interest [ECF 9 and 26], Fed.R.Civ. P.55(b), this Court's Procedural Order dated October 15, 2020 [ECF 28], and the General Orders in response to the recent outbreak of Coronavirus Disease 2019 (COVID-19) in accordance with the *Pandemic/Infectious Disease Plan for the United States District Court for the District of Maine*. (March 2020).

Plaintiff, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust (“Wilmington Savings”), was represented by John A. Doonan, Esq. None of the Defendants or other Parties appeared or opposed Plaintiff's Motion for Default Judgment of Foreclosure and Sale.

All persons interested having been duly notified in accordance with the law, and after consideration of the Affidavits with supporting documentary evidence and Memorandum of Law in Support of Plaintiff's Motion for Default Judgment on Documentary Evidence, the Plaintiff's Motion for Default Judgment of Foreclosure and Sale is **GRANTED**.

JUDGMENT on Count I – Foreclosure and Sale is hereby **ENTERED** as follows:

1. If the Defendant or their heirs or assigns pay Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust (“Wilmington Savings”) the amount adjudged due and owing as of November 16, 2020 (attorney's fees and deficiency are waived) (\$180,304.87) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, Wilmington Savings shall forthwith discharge the Mortgage and file a dismissal of this action on the ECF Docket. The following is a breakdown of the amount due and owing which does not include Corporate Advance Balance or Pending Taxes or Hazard Insurance which the Plaintiff waives:

| <u>Description</u> | <u>Amount</u> |
|----------------------------|---------------------|
| Principal Balance | \$143,865.24 |
| Interest | \$13,523.71 |
| Escrow/Impound Required | \$8,176.55 |
| Late Fees | \$29.58 |
| Deferred Principal Balance | \$23,218.94 |
| Restricted Escrow Balance | (\$8,509.14) |
| Total | \$180,304.88 |

- 2 If the Defendant or their heirs or assigns do not pay Wilmington Savings the amount adjudged due and owing (\$180,304.88) within 90 days of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, their remaining rights to possession of the Livermore Property shall terminate, and Wilmington Savings shall conduct a public sale of the Livermore Property in accordance with 14 M.R.S.A. § 6323, disbursing the proceeds, first to itself in the amount of \$180,304.88 after deducting the expenses of the sale, with any surplus to be disbursed pursuant to Paragraph 5 of this Judgment, and in accordance with 14 M.R.S.A. § 6324.
- Wilmington Savings may not seek a deficiency judgment against the Defendant pursuant to the Plaintiff's waiver of deficiency in its Motion.
- 3 Pursuant to 14 M.R.S.A. § 2401(3)(F), the Clerk, if requested, shall sign a certification after the appeal period has expired, certifying that the applicable period has expired without action or that the final judgment has been entered following appeal

4. The amount due and owing is \$180,304.88 as of November 16, 2020.
5. The priority of interests is as follows:
 - Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust has first priority, in the amount of \$180,304.88 pursuant to the subject Note and Mortgage.
 - Citibank, N.A. who has been defaulted.
 - Duane C. Waterman who has been defaulted.
6. The pre-judgment interest rate is 3.8750%, see 14 M.R.S.A. § 1602-B, and the post- judgment interest rate is 8.59%, see 14 M.R.S.A. § 1602-C.
7. The following information is included in this Judgment pursuant to 14 M.R.S.A. § 2401(3):

PARTIES

PLAINTIFF Wilmington Savings Fund
Society, FSB, d/b/a Christiana
not individually but as trustee
for Pretium Mortgage Acquisition
Trust, 120 South Sixth Street, #2100
Minneapolis, MN 553402

DEFENDANT

Duane C. Waterman
15 Storer Road, Apt. 1
Bradford, ME 04410

COUNSEL

John Doonan, Esq.
Reneau J. Longoria, Esq.
Doonan, Groves & Longoria
LLC, 100 Cummings Center
Suite 225D
Beverly, MA 01915

Defaulted/Pro Se

PARTY-IN-INTEREST

Citibank, N.A. 399 Park Avenue
New York, NY 10022

Defaulted/Pro Se

- a) The docket number of this case is 2:19-cv-00329-LEW.
- b) All parties to these proceedings received notice of the proceedings in accordance with the applicable provisions of the Federal Rules of Civil Procedure.
- c) A description of the real estate involved, 1635 Federal Road, Livermore, ME 04253 is set forth in Exhibit A to the Judgment herein.
- d) The street address of the real estate involved is 1635 Federal Road, Livermore, ME 04253.

The Mortgage was executed by the Defendants, Duane C. Waterman, Sr. and Duane C. Waterman, on May 26, 2009. The book and page number of the Mortgage in the Androscoggin County Registry of Deeds is Book 7715, Page 312.

- e) This Judgment shall not create any personal liability on the part of the Defendant but shall act solely as an *in rem* judgment against the property, 1635 Federal Road, Livermore, ME 04253.

SO ORDERED.

Dated this 30th day of November, 2020.

/s/ Lance E. Walker
UNITED STATES DISTRICT JUDGE